

REMARKS

This Amendment is being filed in response to the Office Action mailed on April 17, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-4, 6 and 8-11 remain in this application, where claims 1 and 8 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, the Examiner objected to the specification for lacking headings. Applicant respectfully declines to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, the Examiner objected to claims 1-10 for including reference numerals and for having dependent claims 5 and being separated from the base claims 3 and 4, respectively. In

response, claim 5 has been canceled and re-written as new claim 11, and claims 1-4 and 6-9 have been amended to delete the reference numerals. Accordingly, withdrawal of the objection to claims 1-9 is respectfully requested. Further, claims 2-4, 6 and 8-11 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 1-4, 6 and 8-11 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-3, 5 and 8-10 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,865,627 (Wu). Claims 4 and 6 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Wu in view of U.S. Patent No. 5,802,032 (Jacobs). Further, claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Wu. It is respectfully submitted that claims 1-4, 6 and 8-11 are patentable over Wu and Jacobs for at least the following reasons.

Wu is directed to a regulating real-time data capture rates to match processor-bound data consumption rates. On page 7 of the Office Action, in rejecting claim 7, it is alleged that "low power

consuming mode naturally flows from the play-pause mode."

Applicant respectfully disagrees and points out that Wu specifically recites on column 9, lines 32-42:

When output data queue buffer fullness is anticipated (e.g., point 310), the DV capture module directs the DV data source to not send any "new" DV data frames ... the DV data source sends only repeat DV data frames in play-pause mode, not new or subsequent sequential DV data frames. The DV capture module 202 (FIG. 2) discards repeat frames by not saving them to respective input buffer(s) 210.  
(Emphasis added)

That is, no power is conserved. Wu is simply not concerned with conserving any power. Rather, Wu is merely concerned with regulating data capture rates to match consumption rates, by sending and discarding repeat data, and thus conserving no power, when output data queue buffer fullness is anticipated.

It is respectfully submitted that Wu does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 8 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the control means are arranged for turning the device in a low power consuming mode for a time interval depending on the buffer refilling time.

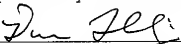
These features are nowhere disclosed or suggested in Wu.

Jacobs is cited to allegedly show other features and does not remedy the deficiencies in Wu. Accordingly, it is respectfully requested that independent claims 1 and 8 be allowed. In addition, it is respectfully submitted that claims 2-4, 6 and 9-11 should also be allowed at least based on their dependence from independent claims 1 and 8 as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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